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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,586	11/24/2003	Donna K. Hodges	BS030348	5016

7590   08/08/2007

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EXAMINER
SIKRI, ANISH

ART UNIT	PAPER NUMBER
2143	

MAIL DATE	DELIVERY MODE
08/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/720,586	HODGES ET AL.
	Examiner	Art Unit
	Anish Sikri	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 May 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>24 November 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>03/08/04</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement submitted on 03/08/2004 been considered

by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed

or described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made

to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was

made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.

2.   Ascertaining the differences between the prior art and the claims at issue.

3.   Resolving the level of ordinary skill in the pertinent art.

4.   Considering objective evidence present in the application indicating

obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Consider **Claims 1-5, 7-16, 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wee et al (US Pat 7,184,548), in view of Craig (US Pat 5,790,176).

Consider **Claim 1,** Wee et al discloses a method retrieving audio-video data (Wee et al, Col 7, Lines 56-60) comprising packets of data packetized according to a packet protocol; segmenting the audio-video data into segments (Wee et al, Col 7, Lines 64-67) the set of subscriber-specified rules specifying how the audio-video data is formatted to a suit a requirement of a client communications device (Wee et al, Col 11, Lines 19-39, Col 12, Lines 20-30); dispersing at least one of the segments via a network for a subsequent processing service; receiving a result of the processing service (Wee

et al, Col 10, Lines 22-34, Col 11, Lines 19-39, Col 12, Lines 5-10) ; assembling

formatted audio-visual data comprising the result of the processing service (Wee et al,

Col 12, Lines 55-65) at least one of the segments that is unprocessed and

communicating the formatted audio-visual data via the network (Wee et al, Col 7, Lines

56-60, Col 8, Lines 41-45, Col 12, Lines 20-30).

But Wee et al fails to disclose the segments are set to segmented according to a

set of subscriber-specified rules, which are stored in the memory, the set of subscriber-

specified rules specified by a subscriber to a subscription service.

Nonetheless, Craig discloses the segments are set to segmented according to a

set of subscriber-specified rules (Craig, Col 6, Lines 42-50, Col 11, Lines 36-41), which

are stored in the memory, the set of subscriber-specified rules specified by a subscriber

to a subscription service (Craig, Col 6, Lines 42-50, Col 11, Lines 36-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time of the invention was made to incorporate the use of obtaining data based on

subscriber specified rules, taught by Craig, in the system of Wee et al, for the purpose

of obtaining secure media with its digital rights as contracted by the subscription to the

service.

Consider **Claim 2,** Wee et al, as modified by Craig discloses the method

according to claim 1, at least one of the segments to suit a display device requirement

of the client communications device (Wee et al, Col 11, Lines 19-39, Col 12, Lines 20-

30).

But, Wee et al fails to disclose at least one of the segments comprises color correcting.

Nonetheless, Craig discloses at least one of the segments comprises color correcting (Craig, Col 13, Lines 1-25).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the use color correcting methods, taught by Craig, in the system of Wee et al, for the purpose of auto-correction of data when it is being displayed on the display device.

Consider **Claim 3,** Wee et al, as modified by Craig discloses the method according to claim 1, further comprising communicating the formatted audio-visual data of the client communication device (Wee et al, Col 8, Lines 41-45, Col 12, Lines 20-30). The method clearly shows in many ways on how the data is processed and formatted.

Consider **Claim 4,** Wee et al, as modified by Craig discloses the method according to claim 1, wherein dispersing at least one of the segments comprises scaling the at least one of the segments to suit a display device requirement of the client communications device (Wee et al, Col 7, Lines 64-67, Col 8, Lines 41-45, Col 12, Lines 20-30). It clearly shows on how the formatted data scales itself to the different types of display units.

Consider **Claim 5,** Wee et al, as modified by Craig discloses the method according to claim 1, wherein dispersing at least one of the segments comprises encrypting at least one of the segments to suit a privacy requirement (Wee et al, Col 9, Lines 18-25). It clearly shows that the data is encrypted to make the content secure, thus enabling the privacy requirements between the subscriber and the service provider.

Consider **Claim 7**, Wee et al, as modified by Craig fails to disclose the method according to claim 1, further comprising retrieving the set of subscriber-specified rules from the memory of the client communication device.

Nonetheless, Craig discloses the method comprising retrieving the set of subscriber-specified rules from the memory of the client communication device (Craig, Col 20, Lines 27-45).

Therefore it would have been obvious to person of ordinary skill in the art at the time of the invention was made to incorporate the use of obtaining data based on subscriber specified rules, taught by Craig, in the system of Wee et al, for the purpose of obtaining secure media with its digital rights as contracted by the subscription to the service.

Consider **Claim 8,** Wee et al, as modified by Craig fails to disclose the method according to claim 1, further comprising inferring an action based upon the set of subscriber-specified rules.

Nonetheless, Craig discloses an action based upon the set of subscriber-specified rules (Craig, Col 20, Lines 27-45).

Therefore it would have been obvious to person of ordinary skill in the art at the time of the invention was made to incorporate the use of obtaining data based on subscriber specified rules, taught by Craig, in the system of Wee et al, for the purpose of obtaining secure media with its digital rights as contracted by the subscription to the service.

Consider **Claim 9,** Wee et al, as modified by Craig fails to disclose the method according to claim 1, further comprising inferring a new rule based upon the set of subscriber-specified rules.

Nonetheless, Craig discloses a new rule based upon the set of subscriber-specified rules (Craig, Col 20, Lines 27-45, Col 20, Lines 46-59).

Therefore it would have been obvious to person of ordinary skill in the art at the time of the invention was made to incorporate the use of obtaining data based on subscriber specified rules, taught by Craig, in the system of Wee et al, for the purpose of obtaining secure media with its digital rights as contracted by the subscription to the service.

Consider **Claim 10,** Wee et al, as modified by Craig fails to disclose the method according to claim 1, further comprising requesting a new rule for a new situation.

Nonetheless, Craig discloses requesting a new rule for a new situation.

Therefore it would have been obvious to person of ordinary skill in the art at the time of the invention was made to incorporate the use of obtaining data based on new subscriber specified rules, which can be modified and, taught by Craig, in the system of Wee et al, for the purpose of obtaining secure media with its digital rights as contracted by the subscription to the service.

Consider **Claim 11,** Wee et al discloses means retrieving audio-video data (Wee et al, Col 7, Lines 56-60) comprising packets of data packetized according to a packet protocol; means for segmenting the audio-video data into segments (Wee et al, Col 7, Lines 64-67) the set of subscriber-specified rules specifying how the audio-video data is formatted to a suit a requirement of a client communications device (Wee et al, Col 11, Lines 19-39, Col 12, Lines 20-30); means for dispersing at least one of the segments via a network for a subsequent processing service; receiving a result of the processing service (Wee et al, Col 10, Lines 22-34, Col 11, Lines 19-39, Col 12, Lines 5-10); means of assembling formatted audio-visual data comprising the result of the processing service (Wee et al, Col 12, Lines 55-65) at least one of the segments that is unprocessed and communicating the formatted audio-visual data via the network (Wee et al, Col 7, Lines 56-60, Col 8, Lines 41-45, Col 12, Lines 20-30).

But Wee et al fails to disclose the segments are set to segmented according to a set of subscriber-specified rules, which are stored in the memory, the set of subscriber-specified rules specified by a subscriber to a subscription service.

Nonetheless, Craig discloses the segments are set to segmented according to a set of subscriber-specified rules (Craig, Col 6, Lines 42-50, Col 11, Lines 36-41), which are stored in the memory, the set of subscriber-specified rules specified by a subscriber to a subscription service (Craig, Col 6, Lines 42-50, Col 11, Lines 36-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the use of obtaining data based on subscriber specified rules, taught by Craig, in the system of Wee et al, for the purpose of obtaining secure media with its digital rights as contracted by the subscription to the service.

Consider **Claim 12,** Wee et al discloses a computer program retrieving audio-video data (Wee et al, Col 7, Lines 56-60) comprising packets of data packetized according to a packet protocol; segmenting the audio-video data into segments (Wee et al, Col 7, Lines 64-67) the set of subscriber-specified rules specifying how the audio-video data is formatted to a suit a requirement of a client communications device (Wee et al, Col 11, Lines 19-39, Col 12, Lines 20-30); dispersing at least one of the segments via a network for a subsequent processing service; receiving a result of the processing service (Wee et al, Col 10, Lines 22-34, Col 11, Lines 19-39, Col 12, Lines 5-10) ; assembling formatted audio-visual data comprising the result of the processing service

(Wee et al, Col 12, Lines 55-65) at least one of the segments that is unprocessed and communicating the formatted audio-visual data via the network (Wee et al, Col 7, Lines 56-60, Col 8, Lines 41-45, Col 12, Lines 20-30).

But Wee et al fails to disclose the segments are set to segmented according to a set of subscriber-specified rules, which are stored in the memory, the set of subscriber-specified rules specified by a subscriber to a subscription service.

Nonetheless, Craig discloses the segments are set to segmented according to a set of subscriber-specified rules (Craig, Col 6, Lines 42-50, Col 11, Lines 36-41), which are stored in the memory, the set of subscriber-specified rules specified by a subscriber to a subscription service (Craig, Col 6, Lines 42-50, Col 11, Lines 36-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the use of obtaining data based on subscriber specified rules, taught by Craig, in the computer program of Wee et al, for the purpose of obtaining secure media with its digital rights as contracted by the subscription to the service.

Consider **Claim 13,** Wee et al, as modified by Craig discloses the method according to claim 11, at least one of the segments to suit a display device requirement of the client communications device (Wee et al, Col 11, Lines 19-39, Col 12, Lines 20-30).

But, Wee et al fails to disclose at least one of the segments comprises color correcting.

Nonetheless, Craig discloses at least one of the segments comprises color correcting (Craig, Col 13, Lines 1-25).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the use color correcting methods, taught by Craig, in the system of Wee et al, for the purpose of auto-correction of data when it is being displayed on the display device.

Consider **Claim 14,** Wee et al, as modified by Craig discloses the system according to claim 11, further comprising communicating the formatted audio-visual data of the client communication device (Wee et al, Col 8, Lines 41-45, Col 12, Lines 20-30). The method clearly shows in many ways on how the data is processed and formatted

Consider **Claim 15,** Wee et al, as modified by Craig discloses the system according to claim 11, wherein dispersing at least one of the segments comprises scaling the at least one of the segments to suit a display device requirement of the client communications device (Wee et al, Col 7, Lines 64-67, Col 8, Lines 41-45, Col 12, Lines 20-30). It clearly shows on how the formatted data scales itself to the different types of display units.

Consider **Claim 16,** Wee et al, as modified by Craig discloses the system according to claim 11, wherein dispersing at least one of the segments comprises

encrypting at least one of the segments to suit a privacy requirement (Wee et al, Col 9,

Lines 18-25). It clearly shows that the data is encrypted to make the content secure,

thus enabling the privacy requirements between the subscriber and the service

provider.

Consider **Claim 18,** Wee et al, as modified by Craig discloses the computer

program according to claim 12, at least one of the segments to suit a display device

requirement of the client communications device (Wee et al, Col 11, Lines 19-39, Col

12, Lines 20-30).

But, Wee et al fails to disclose at least one of the segments comprises color

correcting.

Nonetheless, Craig discloses at least one of the segments comprises color

correcting (Craig, Col 13, Lines 1-25).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time of the invention was made to incorporate the use color correcting methods,

taught by Craig, in the system of Wee et al, for the purpose of auto-correction of data

when it is being displayed on the display device.

Consider **Claim 19,** Wee et al, as modified by Craig discloses the computer

program product according to claim 12, further comprising instructions for scaling at

least one of the segments to suite a display device requirement of the client

communication device (Wee et al, Col 7, Lines 64-67, Col 8, Lines 41-45, Col 12, Lines 20-30). It clearly shows on how the formatted data scales itself to the different types of display units.

Consider **Claim 20,** Wee et al, as modified by Craig discloses the computer program according to claim 12, further comprising instructions for encrypting at least one of the segments to suit a privacy requirement (Wee et al, Col 9, Lines 18-25). It clearly shows that the data is encrypted to make the content secure, thus enabling the privacy requirements between the subscriber and the service provider.

Consider **Claims 6, 17** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wee et al (US Pat 7,184,548), in view of Craig (US Pat 5,790,176),

and in further view of Balachandran et al (US Pat 6,567,375).

Consider **Claim 6,** Wee et al, as modified by Craig fails to disclose the method

according to claim 1, wherein dispersing at least one of the segments comprises

specifying that at least one of the segments be processed during off-peak hours

(Balachandran et al , Col 6, Lines 35-57) .

Nonetheless, Balachandran et al discloses dispersing at least one of the

segments comprises specifying that at least one of the segments be processed during

off-peak hours.

Therefore it would have been obvious to a person of ordinary skill in the art at the

time of the invention was made to incorporate the use of data processing during peak

hours, taught by Balanchandran et al, in the system of Wee et al, as modified by Craig

for the purpose of efficient data management and reducing server loads during heavy

peak hours.

Consider **Claim 17,** Wee et al, as modified by Craig fails to disclose the system

according to claim 11, wherein dispersing at least one of the segments comprises

specifying that at least one of the segments be processed during off-peak hours

(Balachandran et al , Col 6, Lines 35-57) .

Nonetheless, Balachandran et al discloses dispersing at least one of the segments comprises specifying that at least one of the segments be processed during off-peak hours.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the use of data processing during peak hours, taught by Balanchandran et al, in the system of Wee et al, as modified by Craig, for the purpose of efficient data management and reducing server loads during heavy peak hours.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anish Sikri whose telephone number is 571-270-1783. The examiner can normally be reached on 8am - 5pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anish Sikri

a.s.

August 6, 2007

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